

11 JUN 2007



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CHARLOTTE, NC 28280-4000

In re Application of
Wang et al.
Application No.: 10/522,696
PCT No.: PCT/US03/24666
Int. Filing Date: 04 August 2003
Priority Date: 04 August 2002
Attorney Docket No.: 048767/287534
For: Methods And Compositions For Converting
Taxane Amides To Paclitaxel Or Other Taxanes

DECISION
ON
PETITION

This is in response to the renewed petition under 37 CFR 1.47(a) filed on 19 April 2007.

DISCUSSION

In a Decision mailed on 30 January 2007, the petition under 37 CFR 1.47(a) filed on 30 May 2006 was dismissed without prejudice because

Regarding requirement (4), the declaration filed on 30 May 2006 has been signed by joint inventors Rex Gallagher, John Juchum and James Johnson on behalf of themselves and non-signing joint inventor Dasheng Wang. However, the declaration is defective because it nominates "Rex T. Gallagher" in place of "GALLEGHER, Rex, T." whose name appears on the published international application. The record does not appear to address this discrepancy; such as an explanation of whether it arose from a mere typographical error. As such, it would not be appropriate to accept the declaration in satisfaction of requirement (4) at this time.

In response, petitioner states that

Applicants point out that "Rex T. Gallagher", the signing inventor on the declaration of May 30, 2006, and "GALLEGHER, Rex, T.", the listed inventor on the international application are the same individual, and the discrepancy in the spelling of the surname is merely the result of a typographical error in the international publication.

The correct spelling of the inventor's name is "Gallagher", as spelled and signed on the declaration filed May 30, 2006. Applicants submit the spelling of the name on the international publication results from a typographical error, and the discrepancy in the spellings was purely as a result of the typographical error and was without deceptive intent on the part of the Applicants.

Reference is made to MPEP 605.04(b), which explains in part that

When a typographical or transliteration error in the spelling of an inventor's name is discovered during pendency of an application, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. However, applicants are strongly encouraged to use an application data sheet such that any patent to issue will reflect the correct spelling of the inventor's name. Without an application data sheet with the corrected spelling, any patent to issue is less likely to reflect the correct spelling since the spelling of the inventor's name is taken from the oath or declaration, or any subsequently filed application data sheet.

In view of applicants' explanation that the discrepancy in Mr. Gallagher's name arose from a mere typographical error, it would now be appropriate to accept the declaration filed on 30 May 2006. As such, all of the requirements of 37 CFR 1.47(a) have now been satisfied.

DECISION

The petition under 37 CFR 1.47(a) is **GRANTED**.

The \$750.00 petition fee under 37 CFR 1.137(b) was not required, and it is being refunded to Deposit Account No. 16-0605 per the Transmittal Letter filed on 30 May 2006.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **30 May 2006**.



George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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Dasheng Wang
6109 Round Tower Lane
Dublin, OH 43017

In re Application of
Wang et al.
Application No.: 10/522,696
PCT No.: PCT/US03/24666
Int. Filing Date: 04 August 2003
Priority Date: 04 August 2002
Attorney Docket No.: 048767/28753
For: Methods And Compositions For
Converting Taxane Amides To
Paclitaxel Or Other Taxanes

Dear Dasheng Wang:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of a joint inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Dasheng WANG) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/US03/24666 and was filed on August 04, 2003 in the names of James H. JOHNSON, Rex T. GALLAGHER, Dasheng WANG and John S. JUCHUM for the invention entitled METHODS AND COMPOSITIONS FOR CONVERTING TAXANE AMIDES TO PACLITAXEL OR OTHER TAXANES. The national stage application number is 10/522,696 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of May 30, 2006.